

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:  Debra Anne Leech,  Debtor.	Bankruptcy No. 12-10390-mdc  Chapter 13  Doc. No. 10-1
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**MOTION TO RESTRICT ACCESS AND AUTHORIZE FILING OF REPLACEMENT  
NOTICE OF MORTGAGE PAYMENT CHANGE**

Pursuant to sections 105(a) and 107(c) of title 11 of the United States code (the "Bankruptcy Code"), rule 9037 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC ("Movant"), by and through its undersigned counsel, hereby moves this Court, for entry of an order (the "Order"), substantially in the form attached hereto as Exhibit A (i) directing the Clerk of the Court to restrict remote electronic access to the Filings (as defined below) to protect certain personally identifiable information ("PII") contained therein, and (ii) authorizing Movant to make a Replacement Filing (as defined below). In support of this motion (the "Motion"), Movant respectfully states as follows:

1. A. Notice of Mortgage Payment Change, filed on January 07, 2016, under claim number 10-1 on the Claims Register, which contains one or more of the identifiers enumerated in Fed. R. Bankr. P. 9037.

2. Movant also requests authority to file the Replacement filing, in the form attached hereto. The Replacement filing is substantively identical to the Filing in all respects, except for the removal of any imperfectly redacted PII. As set forth above, Movant has taken steps to ensure the Replacement filing complies with Bankruptcy Rule 9037(a).

3. Movant further requests that the Replacement filing be deemed to have been filed, for all purposes, on the date the respective Filing was originally filed to ensure that Movant is not prejudiced in any manner.

WHEREFORE, Movant respectfully requests that the Court enter an Order (i) directing the clerk of the Court to permanently restrict remote electronic access to the Filing, (ii) authorizing the filing of the Replacement filing, and (iii) granting such other and further relief as the Court deems appropriate.

Respectfully Submitted,

Robertson, Anschutz & Schneid, PL  
6409 Congress Avenue, #100  
Boca Raton, FL 33487  
Tel: (561) 241-6901  
Fax: (561) 241 -1969

By: /s/ Kevin Buttery  
Kevin Buttery, Esquire  
PA I.D. 319438  
kbuttery@rascrane.com

Dated: February 2, 2018

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:  Debra Anne Leech,  Debtor.	Bankruptcy No. 12-10390-mdc  Chapter 13  Doc. No. 10-1
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**CERTIFICATE OF SERVICE OF MOTION TO REDACT AND RESTRICT PUBLIC  
ACCESS AND AUTHORIZE FILING OF REPLACEMENT NOTICE OF MORTGAGE  
PAYMENT CHANGE**

I, the undersigned, certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on February 2, 2018, I served copies of the above-captioned Motion upon the parties in interest in this proceeding, by first class U.S. Mail, postage prepaid or electronic mail, at the following addresses:

ATTORNEY ROBERT H. HOLBER PC  
41 EAST FRONT STREET  
MEDIA, PA 19063

DEBRA ANNE LEECH  
32 BRANFORD WAY  
COATESVILLE, PA 19320

WILLIAM C. MILLER, ESQ.  
1234 MARKET STREET  
SUITE 1813  
PHILADELPHIA, PA 19107

UNITED STATES TRUSTEE  
833 CHESTNUT STREET  
SUITE 500, PA 19107

Respectfully Submitted,

Robertson, Anschutz & Schneid, PL  
6409 Congress Avenue, #100  
Boca Raton, FL 33487  
Tel: (561) 241-6901  
Fax: (561) 241 -1969

By: /s/ Kevin Buttery  
Kevin Buttery, Esquire  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:  Debra Anne Leech,  Debtor.	Bankruptcy No. 12-10390-mdc  Chapter 13  Doc. No. 10-1
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**ORDER OF COURT**

**AND NOW**, upon consideration of the Motion to Redact and Restrict Public Access and Authorize Filing of Replacement Notice of Mortgage Payment Change, filed by DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC;

**AND**, the Court concluding that the subject Notice of Mortgage Payment Change, (including all attachments) fails to comply with Fed. R. Bankr. P. 9037;

It is therefore **ORDERED** that:

1. This Motion is **GRANTED**.
2. The Clerk **SHALL PROHIBIT PUBLIC ACCESS** to :
  - A. Notice of Mortgage Payment Change, filed on January 07, 2016, under claim number 10-1 on the Claims Register.

DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC shall file redacted copies of the document(s) identified in Paragraph 2 above **on or before** \_\_\_\_\_.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
HONORABLE Judge Magdeline D. Coleman  
UNITED STATES BANKRUPTCY JUDGE

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Fill in this information to identify the case:

Debtor 1 DEBRA A. LEECH

Debtor 2  
(Spouse, if filing) \_\_\_\_\_

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number 12-10390

Official Form 410S1

Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of Creditor: Ditech Financial LLC

Court Claim no. (if known): 10

Last four digits of any number  
You use to identify the debtor's account: 0499

Date of Payment change:  
Must be at least 21 days after date 02/01/2016  
Of this notice

New total payment \$1,217.65  
Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

1. Will there be a change in the debtor's escrow account payment?

- ☒ No
- ☐ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ \_\_\_\_\_ New escrow payment: \$ \_\_\_\_\_

Part 2: Mortgage Payment Adjustment

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

- ☐ No
- ☒ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: Variable Rate Change Effective 2/1/2016

Current interest rate: 2.87500 % New interest rate: 3.25000 %

Current principal and interest payment: \$ 622.56 New principal and interest payment: \$ 643.95

Part 3: Other Payment Change

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

- ☒ No
- ☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_ New mortgage payment: \$ \_\_\_\_\_

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Debtor 1 DEBRA A. LEECH

Case number (if known) 12-10390

**Part 4:** Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

*Check the appropriate box:*

☐

I am the creditor.

☒

I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

X /s/ AMY MICHAELS  
Signature

Date 01/06/2016

Print AMY MICHAELS  
Company Ditech Financial LLC  
Address P.O. Box 6154  
Rapid City, SD 57709-6154  
Contact phone 888-298-7785

Title Bankruptcy Representative  
Email poc.team@ditech.com



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE Eastern District of Pennsylvania (Philadelphia)**

**IN RE:** Debra Anne Leech

**NO. 12-10390**

**CERTIFICATE OF SERVICE**

I, Amy Michaels, do hereby certify that I have served a true and correct copy of the **Notice of Mortgage Payment Change** filed by Ditech Financial LLC on 1/6/16 via ECF notification service : Debra Anne Leech, 32 Branford Way, Coatesville, PA 19320; ROBERT H. HOLBER, rholber@holber.com; WILLIAM C. MILLER, ecfemails@ph13trustee.com.

DATED: This the 6th day of January, 2016.

/s/ \_Amy Michaels\_  
Amy Michaels

Amy Michaels  
Bankruptcy Specialist  
Ditech Financial LLC  
P.O. Box 6154  
Rapid City, SD 57703

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Ditech Financial LLC  
PO Box 6172  
Rapid City, SD 57709-6172  
Phone: 1-800-643-0202  
Fax: 866-870-9919  
www.ditech.com

+ 0593689 000001901 096052 0926795 8RPC1  
ROBERT H HOLBER  
41 E FRONT ST  
MEDIA, PA 19063-2911

12/07/2015



Re: Ditech Financial LLC ("Ditech")  
Borrower Name: DEBRA A LEECH  
Property Address: 32 BRANFORD WAY  
COATESVILLE, PA 19320

THIS INFORMATIONAL NOTICE IS NOT AN ATTEMPT TO COLLECT A DEBT. IF YOUR CLIENT IS CURRENTLY IN BANKRUPTCY OR THIS DEBT WAS DISCHARGED IN A BANKRUPTCY, THE SERVICER IS NOT ATTEMPTING TO COLLECT OR RECOVER THE DEBT AS THEIR PERSONAL LIABILITY.

Dear ROBERT H HOLBER:

**Changes to the Mortgage Interest Rate and Payments on 2/01/2016**

Under the terms of your client's Adjustable-Rate Mortgage (ARM), they had a 12 month period during which their interest rate stayed the same. That period ends on 1/01/2016, so on that date your client's interest rate and payment change. After that, your client's interest rate may change each 12 month period for the rest of their account term. Also, account modification payments or rate changes recently processed may not be reflected in this notice.

	Current Interest Rate and Monthly Payment	New Interest Rate and Monthly Payment
Interest Rate	2.87500 %	3.25000 %
Total Monthly Payment	\$1,086.96	\$1,108.35 2/01/2016

**Interest Rate:** We calculated your client's interest rate by taking a published "index rate" and adding a certain number of percentage points, called the "margin." Under your client's security agreement, their index rate is .98060 % and their margin is 2.250 %. The one year London interbank offered rate, or "LIBOR" daily rate is published the first business day of the month in the Wall Street Journal website as part of the Money Rates.

**Interest Rate Limits:** Your client's interest rate cannot go higher than 11.50000 % over the life of the account. Your client's interest rate can change each 12 month period by no more than 2.000 %.

**New Interest Rate and Monthly Payment:** The table above shows your client's new interest rate and new monthly payment. These amounts are based on the one year London interbank offered rate, or "LIBOR" daily rate as of now, your client's margin, their account balance of \$113,531.98<sup>1</sup>, and their remaining account term of 240 months.

**Prepayment Penalty:** Your client's account does not have a prepayment penalty.

Sincerely,

Ditech Financial LLC ("Ditech")  
1-800-643-0202  
M-F 7:00 a.m. - 8:00 p.m. (CST), Saturday 7:00 a.m. - 1:00 p.m. (CST)

# Delaware

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## *The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"DITECH MORTGAGE CORP", A CALIFORNIA CORPORATION,  
"DT HOLDINGS LLC", A DELAWARE LIMITED LIABILITY COMPANY,  
WITH AND INTO "GREEN TREE SERVICING LLC" UNDER THE NAME OF  
"GREEN TREE SERVICING LLC", A LIMITED LIABILITY COMPANY  
ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE,  
AS RECEIVED AND FILED IN THIS OFFICE THE THIRTEENTH DAY OF  
AUGUST, A.D. 2015, AT 1:35 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF  
THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTY-FIRST DAY OF  
AUGUST, A.D. 2015, AT 12:05 O'CLOCK A.M.

2458190 8100M

151168309



AUTHENTICATION: 2641973

DATE: 08-13-15

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 01:35 PM 08/13/2015  
FILED 01:35 PM 08/13/2015  
SRV 151168309 - 2458190 FILE

## STATE OF DELAWARE CERTIFICATE OF MERGER

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Company Act, the undersigned hereby executes the following Certificate of Merger:

**FIRST:** The surviving limited liability company is **Green Tree Servicing LLC**, a Delaware limited liability company, and the corporation and limited liability company being merged into this surviving limited liability company are:

**DT Holdings LLC**, a Delaware limited liability company, and  
**Ditech Mortgage Corp**, a California corporation.

**SECOND:** The Agreement and Plan of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations and limited liability companies pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Company Act.

**THIRD:** The name of the surviving limited liability company is hereby amended to **Ditech Financial LLC**, a Delaware limited liability company (as such surviving entity, the "Surviving Limited Liability Company").

**FOURTH:** The mergers are to become effective as of 12:05 AM EDT on August 31, 2015.

**FIFTH:** The Agreement and Plan of Merger is on file at 3000 Bayport Drive, Suite 880, Tampa, FL 33607, the principal place of business of the Surviving Limited Liability Company.

**SIXTH:** A copy of the Agreement and Plan of Merger will be furnished by the Surviving Limited Liability Company on request, without cost, to any stockholder or member of the constituent corporations or limited liability companies, as applicable.

[The remainder of page intentionally left blank.]

**IN WITNESS WHEREOF**, said Surviving Limited Liability Company has caused this certificate to be signed by an authorized officer, the 4th day of August, 2015.

**GREEN TREE SERVICING LLC**

By: Wanda Lamb-Lindow  
Name: Wanda Lamb-Lindow  
Title: Assistant Secretary